

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

06 - 205 83CR - KING

CASE NO.

18 U.S.C. § 1349
2 U.S.C. § 441f
2 U.S.C. § 437g(d)

MAGISTRATE JUDGE
GARBER

PRE-MUR #

2006 SEP 15 PM 4:12

441

UNITED STATES OF AMERICA

vs.

WILLIAM SCOTT DELOACH,
MARIA GARCIA, and
ROSARIO LICATA,

Defendants.

INFORMATION

The United States Attorney charges that:

GENERAL ALLEGATIONS

At various times relevant to this Information:

1. The PBSJ Corporation and its wholly-owned subsidiaries (hereinafter collectively referred to as "PBSJ") was an employee-owned national engineering and construction organization that provided a broad range of services related to such areas as transportation, environmental, civil engineering, and construction management. PBSJ's executive offices were located at 2001 N.W. 107th Avenue, Miami, Florida. PBSJ's common stock was registered with the Securities and Exchange Commission (SEC) pursuant to Section 12(g) of the Securities Exchange Act of 1934, Title 15, United States Code, Section 781(g).

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2. Defendant **WILLIAM SCOTT DELOACH** was hired by PBSJ in or around 1992 as the Comptroller. In or around January 2004, he became PBSJ's Chief Financial Officer. As part of his duties at PBSJ, **WILLIAM SCOTT DELOACH** supervised the company's books and records, had signatory authority on the company bank accounts, and was responsible for the preparation of the company's financial statements. **WILLIAM SCOTT DELOACH** was also responsible for the preparation and submission of all SEC required reports. From approximately 2004 until his resignation in 2005, **WILLIAM SCOTT DELOACH** signed and certified PBSJ's annual and quarterly SEC reports on Forms 10-K and 10-Q, respectively. He also signed management representation letters to PBSJ's independent auditors confirming that no "[f]raud involving management" had taken place at PBSJ during the relevant period.

3. Defendant **MARIA GARCIA** was hired by PBSJ in or around November 1978. Throughout the course of her employment at PBSJ, **MARIA GARCIA** held several positions in the company's finance department including, but not limited to, Accounting Manager, Payroll Supervisor, Miami District Manager, and Business Information Systems Managers. In her various positions, **MARIA GARCIA** was responsible for balancing the company's books on a daily and monthly basis, making entries in the company's accounting system, assisting with audits, and reconciling company bank accounts.

4. Defendant **ROSARIO LICATA** was hired by PBSJ in or around March 1978 in the accounts payable department. **ROSARIO LICATA** ultimately became a supervisor and manager in the PBSJ accounts payable department, and her responsibilities included issuing company checks to pay outstanding corporate bills and opening company bank accounts.

COUNT 1
Conspiracy to Commit Mail Fraud
(18 U.S.C. § 1349)

1. Paragraphs 1 through 4 of the General Allegations Section of this Information are re-alleged and incorporated by reference as though fully set forth herein.

2. From in or around March 1993 through in or around March 2005, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**WILLIAM SCOTT DELOACH,
MARIA GARCIA, and
ROSARIO LICATA,**

did willfully, that is, with the intent to further the object of the conspiracy, and knowingly combine, conspire, confederate and agree with each other and with others, known and unknown to the United States Attorney, to commit certain offenses against the United States, that is: to knowingly and with intent to defraud devise and intend to devise a scheme and artifice to defraud and to obtain money and property from others by means of materially false and fraudulent pretenses, representations, and promises, knowing that they were false and fraudulent when made, and knowingly causing to be delivered certain mail matter by United States Mail and by a private and commercial interstate carrier, according to the directions thereon, for the purpose of executing the scheme, in violation of Title 18, United States Code, Section 1341.

PURPOSE OF THE CONSPIRACY

3. It was the purpose of the conspiracy for the defendants to unlawfully enrich themselves by embezzling money from PBSJ through various methods, including but not limited to, issuing themselves company checks without authorization, funneling money from the company

healthcare benefit fund into secret bank accounts under their control, and concealing the theft of funds through the alteration and fabrication of company books and records.

MANNER AND MEANS OF THE CONSPIRACY

The manner and means by which the defendants sought to accomplish the object and purpose of the conspiracy included, among others, the following:

4. During the initial phase of the conspiracy, **MARIA GARCIA** and **ROSARIO LICATA** would identify long outstanding vendor invoices, and then issue checks to cash in those amounts. **MARIA GARCIA** and **ROSARIO LICATA** would find individuals willing to cash the checks, and the two would split the proceeds for their personal benefit.

5. During the next phase of the conspiracy, from at least 1999 until 2003, **ROSARIO LICATA**, as an accounts payable supervisor, issued numerous unauthorized checks from the master cash disbursement account payable to **WILLIAM SCOTT DELOACH**. To avoid calling attention to the number of checks written or to the large amounts for which the checks were made payable, **WILLIAM SCOTT DELOACH** would deposit the checks in various personal bank accounts he had opened at different banks throughout the area. Using the money from the unauthorized checks, **WILLIAM SCOTT DELOACH** would write checks payable to **MARIA GARCIA**, **ROSARIO LICATA**, and himself for their personal use and benefit.

6. From in or around 2003 through 2005, the defendants diverted money from the PBSJ medical benefits account. To implement this aspect of the fraud, **ROSARIO LICATA** opened a secret bank account at Bank of America, and subsequently Wachovia, in the name of "PBSJ PAC," which, despite the name, was not a true company account. The signatory on the secret accounts was **WILLIAM SCOTT DELOACH**. Over the course of the scheme, **WILLIAM SCOTT**

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DELOACH transferred millions of dollars without authorization from the PBSJ medical benefits account into the secret PBSJ PAC accounts. **WILLIAM SCOTT DELOACH** would then write checks to **MARIA GARCIA, ROSARIO LICATA,** and himself from the secret accounts for their personal use and benefit. The defendants concealed the existence of the secret bank accounts from the company by directing the bank to mail monthly statements to a post office box maintained by **WILLIAM SCOTT DELOACH,** as opposed to the PBSJ offices. The bank statements for the secret accounts were delivered by United States Mail to the post office box held by **DELOACH.**

7. **WILLIAM SCOTT DELOACH, MARIA GARCIA, and ROSARIO LICATA** would routinely charge personal expenses on their PBSJ corporate credit cards. **ROSARIO LICATA,** as accounts payable supervisor, would then pay the corporate credit card bills using PBSJ funds knowing that the bills were not legitimate corporate expenses. The bills were received and paid through use of the United States Mail.

8. **WILLIAM SCOTT DELOACH, MARIA GARCIA, and ROSARIO LICATA** would use the moneys fraudulently obtained from PBSJ to fund lavish lifestyles. **WILLIAM SCOTT DELOACH** owned several valuable properties, including a multi-million dollar home in Aventura and property in the Florida Keys worth millions of dollars, luxury sports automobiles, and a yacht. **MARIA GARCIA** used the stolen money to buy several luxury sports cars, a large collection of expensive jewelry and Rolex watches, and an ownership interest in a local restaurant. **ROSARIO LICATA** used her share of the stolen funds to purchase real estate in Florida and Nicaragua, as well as to engage in high-dollar gambling activities.

9. Using their positions and responsibilities within PBSJ, **WILLIAM SCOTT DELOACH, MARIA GARCIA, and ROSARIO LICATA** concealed their fraudulent scheme by

such means as creating false vendor invoices and payments, posting unsupported journal entries in the company's general ledger, and manipulating the PBSJ bank reconciliations to delete fraudulently written checks or to add false deposits to inflate the account balances. In addition, MARIA GARCIA would review PBSJ bank statements on a regular basis to remove and dispose of the unauthorized checks written to WILLIAM SCOTT DELOACH.

All in violation of Title 18, United States Code, Section 1349.

COUNT 2

**Unlawful Reimbursement of Federal Campaign Contributions
(2 U.S.C. §§ 441f and 437g(d))**

In or about October, 2004, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

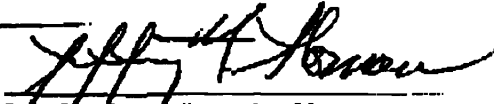
WILLIAM SCOTT DELOACH,

did knowingly and willfully make contributions in the name of other persons in violation of the prohibition against disguised contributions made through conduits or strawmen contained in the Federal Election Campaign Act, with said contributions aggregating \$10,000.00 or more during calendar year 2004, in that the defendant knowingly and willfully made contributions to "Martinez for Senate," a federal political committee, in the names and approximate amounts as follows:

| <u>DATE</u> | <u>NAME</u> | <u>AMOUNT</u> |
|-----------------|-------------|---------------|
| October 4, 2004 | S.I. | \$2,000.00 |
| October 4, 2004 | S.T. | \$1,000.00 |
| October 5, 2004 | L.F. | \$2,000.00 |
| October 5, 2004 | R.F. | \$2,000.00 |

| <u>DATE</u> | <u>NAME</u> | <u>AMOUNT</u> |
|-----------------|-------------|---------------|
| October 5, 2004 | A.Q. | \$2,000.00 |
| October 5, 2004 | V.Q. | \$2,000.00. |

All in violation of Title 2, United States Code, Sections 441f and 437g(d).


 R. ALEXANDER ACOSTA
 UNITED STATES ATTORNEY


 JOAN SILVERSTEIN
 ASSISTANT UNITED STATES ATTORNEY


 KAREN ROCHLIN
 ASSISTANT UNITED STATES ATTORNEY

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

CASE NO. _____

vs.

CERTIFICATE OF TRIAL ATTORNEY

WILLIAM SCOTT DELOACH,
MARIA GARCIA, and
ROSARIO LICATA,

Defendants.

Superseding Case Information:

Court Division: (Select One)

New Defendant(s) _____

Yes _____

No _____

X Miami _____ Key West _____

Number of New Defendants _____
Total number of counts _____

FTL _____ WPB _____ FTP _____

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the indictment/information attached hereto.

2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

3. Interpreter: (Yes or No) No
List language and/or dialect _____

4. This case will take 0 days for the parties to try.

5. Please check appropriate category and type of offense listed below:
(Check only one) (Check only one)

| | | | | |
|-----|------------------|----------|---------|----------|
| I | 0 to 5 days | <u>X</u> | Petty | _____ |
| II | 6 to 10 days | _____ | Minor | _____ |
| III | 11 to 20 days | _____ | Misdem. | _____ |
| IV | 21 to 60 days | _____ | Felony | <u>X</u> |
| V | 61 days and over | _____ | | |

6. Has this case been previously filed in this District Court? (Yes or No) No

If yes:
Judge: _____ Case No. _____

(Attach copy of dispositive order)
Has a complaint been filed in this matter? (Yes or No) No

If yes:
Magistrate Case No. _____
Related Miscellaneous numbers: _____
Defendant(s) in federal custody as of _____
Defendant(s) in state custody as of _____

Rule 20 from the _____ District of _____

Is this a potential death penalty case? (Yes or No) No

7. Does this case originate from a matter pending in the U.S. Attorney's Office prior to April 1, 2003? _____ Yes X No

8. Does this case originate from a matter pending in the U. S. Attorney's Office prior to April 1, 1999? _____ Yes X No

If yes, was it pending in the Central Region? _____ Yes _____ No

9. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? _____ Yes X No

10. Does this case originate from a matter pending in the Narcotics Section (Miami) prior to May 18, 2003? _____ Yes No X

JOAN SILVERSTEIN
ASSISTANT UNITED STATES ATTORNEY
Court No. #5500796

*Penalty Sheet(s) attached

REV 1/14/04

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